

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FILED

NOV 01 2004

CLERK
US DISTRICT COURT, WNC
BY [Signature]

NO. 5:04-CR-211-BO(1)

UNITED STATES OF AMERICA

v.

DAVID A. PASSARO

MOTION TO DISMISS FOR LACK OF

JURISDICTION

Fed. R. Crim. P. 12(b)(2)

DAVID A. PASSARO, defendant in the above-captioned case, hereby moves this Honorable Court for an order dismissing this action for lack of jurisdiction. A supporting memorandum of law accompanies this motion.

Respectfully requested this 1st day of November, 2004.

Thomas P. McNamara

THOMAS P. McNAMARA
Federal Public Defender
N.C. State Bar No. 5099

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

JAMES A. CANDELMO
Assistant United States Attorney
Suite 800, Federal Building
310 New Bern Avenue
Raleigh, NC 27601-1461

by hand delivering a copy of same

This the 1ST day of November, 2004.

Thomas P. McNamara
THOMAS P. McNAMARA
Federal Public Defender
N.C. State Bar No. 5099